

Remarks

The applicant has amended claims 1 and 4, and has cancelled claims 2 and 3, without prejudice. Claims 1 and 4-33 are currently pending. In light of the foregoing amendments and the following remarks, the applicant respectfully request allowance of the pending claims.

A. Rejection of Claim 1

Claim 1 stands rejected as being anticipated by Mathews et al., "Vector Markup Language (VML), World Wide Web Consortium Note," published May 13, 1998 ("Mathews"). The applicant respectfully traverses this rejection.

Mathews is directed to vector markup language for generating graphical displays of shapes. Its teaching is limited to assigning a static value to a parameter. The office action discussed the attribute "adj" as set forth on page 5 of Mathews. However, Mathews does not teach that the value of the parameter assigned to the attribute "adj" is changed. The code taught in Mathews does not automatically update the value of properties as an expression is executed.

In sharp contrast, amended claim 1 sets for the act of automatically changing the value of the second property in response to a change in the value of the first property--the value of the first property being a scalar value.. Accordingly, the applicant respectfully submits that claim 1 is patentably distinct from Mathews and request withdrawal of the pending rejection.

B. Rejection of Claims 2-4, 19, 23-25

Claims 2-4, 19, 23, and 25 stand rejected as being obvious over Mathews and further in view of Harris et al. The applicant respectfully traverses this rejection.

The applicant respectfully submits that there is no motivation or teaching to combine Mathews and Harris. Section 2143.01 of the M.P.E.P. states that the mere fact one can combine references does not result in obviousness unless the cited art also provides a motivation for the combination. The Board of Patent Appeals and Interferences emphasized this rule when it stated:

When the incentive to combine the teachings of the references is not readily apparent, it is the duty of the examiner to explain why combination of the reference teachings is proper. . . . Absent such reasons or incentives, the teachings of the references are not combinable.

Ex parte Skinner, 2 U.S.P.Q.2d 1788,1790 (B.P.A.I. 1987).

Mathews is directed to a vector markup language ("VML") for displaying and editing a graphical interface for presenting graphical information. It is a static, procedural programming language. When programming in a markup language there is no need to use programming structures and acts as set forth in the pending claims. This fact is emphasized because markup languages such as VML are static, procedural languages. Furthermore, Mathews explicitly teaches that the parameter applied to an attribute such as "adj" is static. Because VML is a markup language, a user typically uses a text editor to manually parameterize or apply a value to the attribute.

In sharp contrast, Harris is directed to a spreadsheet having a table of cells for calculating and displaying numbers. Using a table of cells in a spreadsheet is fundamentally different from VML. Furthermore, Harris is an independent software application--not a programming language as is VML.

A person programming in VML would not look to a spreadsheet for programming techniques. Even if they did, the combination or would provide a graphical user interface that presents a table of cells--not the claimed invention. Therefore, the applicant respectfully submits that the pending claims are patentably distinct from the cited references and requests withdrawal of the pending rejection.

C. Rejection of Claims 5-18, 20-22, and 26-33

Claims 5-18, 20-22, and 26-33 stand rejected as being obvious in view of Mathews and further in view of Harris, and further in view of Garman. The applicant respectfully traverses this rejection.

The applicant respectfully noted above that there is no motivation to combine Mathews with Harris and to do so amounts to the use of hindsight. The applicant further notes that there is not motivation to combine Garman with Mathews for these same reasons. Accordingly, the applicant request withdrawal of the pending rejection.

Conclusion

In light of the foregoing amendments and remarks, the applicant respectfully submits that the claims are in condition for allowance and requests advancement of the application toward issuance. The applicant also notes that there may be other arguments in support of patentability of the claims and reserves the right to raise any such argument in the future. Please call the undersigned attorney if there are any questions.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: Jul 6, 2004

John C. Reich
Reg. No. 37,703

